

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM DUCLOS,)
Petitioner,)
v.) Civil Action No. 05-10715-MEL
LUIS SPENCER,)
Respondent.)

)

**MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSIVE PLEADING AND FOR ORDER REQUIRING
PETITIONER TO SERVE AND FILE A COMPLETE COPY OF PETITION**

Respondent, through counsel, respectfully requests that this Court enlarge the time to file an answer or other responsive pleading and to extend the deadline to file such a pleading to June 6, 2005. In addition, Respondent requests that Petitioner be ordered to file and serve on Respondent a complete, signed copy of the Petition by May 26, 2005. In support thereof, Respondent states that:

1. Pursuant to this Court's order of April 13, 2005, an answer or responsive pleading is currently due on May 5, 2005.
2. The Court's order also requests that Respondent provide state court record documents showing whether Petitioner exhausted his state remedies prior to filing this action.
3. Undersigned counsel has requested, but not yet received, the relevant state court record documents.
4. The copy of the Petition served on Respondent contains ten non-consecutively numbered pages and it is unclear whether this is intended to be the complete Petition. To the extent that it is, the Petition does not comply with Rule 2(c)(5) of the Rules Regarding Section 2254 Cases, since—at a minimum—the Petition omits Petitioner's signature.

5. Respondent therefore requires a brief additional time to obtain the state court record, a complete copy of the Petition, and to prepare an appropriate responsive pleading or dispositive motion.

6. Respondent has requested no prior extensions of time in this action.

For these reasons, Respondent respectfully requests that this motion be allowed, that Petitioner be ordered to file and serve a complete, consecutively paginated, signed Petition by May 26, 2005, and that the time to file a responsive pleading be extended to June 6, 2005, or ten days after Petitioner serves a complete Petition, whichever is later.

Respectfully submitted,

THOMAS F. REILLY
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/s/ David M. Lieber

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ATTORNEYS FOR RESPONDENT

Dated: April 26, 2005